

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-Publication of Notice Statement)

Amend Section 364
Title 14, California Code of Regulations (CCR)
Re: Elk

I. Date of Initial Statement of Reasons: January 4, 2008

II. Dates and Locations of Scheduled Hearings:

- | | |
|-----------------------|---|
| (a) Notice Hearing: | Date: February 8, 2008
Location: San Diego, California |
| (b) Discussion: | Date: March 7, 2008
Location: Stockton, California |
| (c) Discussion: | Date: April 11, 2008
Location: Bodega Bay, California |
| (d) Adoption Hearing: | Date: May 9, 2008
Location: Monterey, California |

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

1. Number of Tags

Existing regulations specify elk license tag quotas for each hunt. In order to maintain hunting quality in accordance with management goals and objectives, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. This proposed amendment modifies elk tag numbers to ranges of tags to adjust for fluctuations in population numbers.

2008 Proposed Elk Tag Allocation										
Hunt Name	Antler-less	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antler-less	Muzzle-loader either-sex	Archery Either-Sex	Archery Antler-less	Archery Bull
Roosevelt Elk										
Siskiyou	0-30	0-30								
Del Norte	0-20		0-10							
Marble Mountains		0-80								
Marble Mtns Junior		0-4								
Klamath	0-20		0-20							
Big Lagoon		0-10								
Northwestern California		0-25								
Rocky Mountain Elk										
Rocky Mtn Elk										

2008 Proposed Elk Tag Allocation

Hunt Name	Antler-less	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antler-less	Muzzle-loader either-sex	Archery Either-Sex	Archery Antler-less	Archery Bull
Northeastern		0-20						0-10		
Northeastern Junior		0-4								
Tule Elk										
Cache Creek	0-4		0-4							
Cache Creek Junior			0-2							
La Panza										
Period 1	0-12		0-10							
Period 1 (Junior)			0-2							
Period 2	0-12		0-12							
Owens Valley										
Region wide								0-10		
Bishop										
Period 1 Muzzleloader					0-10	0-30	0-10			
Period 2 Junior	0-30	0-10	0-10							
Period 3	0-30	0-10	0-10							
Period 4	0-30	0-10	0-10							
Period 5	0-30	0-10	0-10							
Independence										
Period 1 Archery								0-10	0-30	0-10
Period 2	0-30	0-10	0-10							
Period 3	0-30	0-10	0-10							
Period 4	0-30	0-10	0-10							
Period 5	0-30	0-10	0-10							
Lone Pine										
Period 1 Muzzleloader					0-10	0-30	0-10			
Period 2	0-30	0-10	0-10							
Period 3	0-30	0-10	0-10							
Period 4	0-30	0-10	0-10							
Period 5	0-30	0-10	0-10							
Tinemaha & W. Tinemaha										
Period 1 Archery								0-10	0-30	0-10
Period 2	0-30	0-10	0-10							
Period 3	0-30	0-10	0-10							
Period 4	0-30	0-10	0-10							
Period 5	0-30	0-10	0-10							
Grizzly Island										
Period 1	0-12			0-6						
Period 1 Junior	0-2			0-2						
Period 2	0-12		0-2	0-6						

2008 Proposed Elk Tag Allocation										
Hunt Name	Antler-less	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antler-less	Muzzle-loader either-sex	Archery Either-Sex	Archery Antler-less	Archery Bull
Period 2 Junior				0-2						
Period 3	0-12		0-2	0-4						
Period 4	0-10									
Period 5	0-10									
Fort Hunter Liggett										
Archery Only								0-6	0-10	
Period 1	0-14									
Period 1 Junior	0-4									
Period 2	0-14									
Period 3			0-14							
Period 3 Junior Elk			0-2							
East Park Reservoir										
Period 1			0-2							
Period 2			0-2							
Period 3	0-10									
San Luis Reservoir	0-5	0-10	0-10							

2. Modify Season Dates: Fort Hunter Liggett Tule Elk Hunts

Modify season dates for the Fort Hunter Liggett hunts. Due to military use constraints, hunt dates are subject to change from year to year. Fort Hunter Liggett is adjusting hunt dates due to military use constraints and in an effort to increase hunter success.

3. Modify Definitions: Definition of bull and antlerless elk

Potential for elk hunters to inadvertently violate title 14. There have been several incidents where antlerless elk hunters have inadvertently harvested a bull (by definition) with antlers less than four inches. Under field conditions it is very difficult to identify antlers above the hairline but less than four inches.

4. Hunt Area Description Change: Big Lagoon and Northwestern Roosevelt Elk Hunts

Replace references to Simpson Timber Company with California Redwood Company to reflect the current organizational structure of the Company in the Big Lagoon and the Northwestern Roosevelt elk hunts.

5. Editorial Changes:

The proposed amendment makes minor changes in the La Panza Tule Elk Hunt section to improve clarity and consistency, and reduce redundancy.

(b) Authority and Reference:

Authority: Fish and Game Code sections 200, 202, 203, 332, 1050, and 1572.

Reference: Fish and Game Code sections 203, 203.1, 332, 713, 1570-1572, and 3951.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

Final 2007 Environmental Document Regarding Elk Hunting.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

The Department conducted a public scoping session in Sacramento on October 11, 2006. Public input, discussions and recommendations regarding the environmental document and mammal hunting and trapping regulations were taken at this time.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Number of Tags

No alternatives were identified. Elk license tag quotas must be changed periodically in response to a variety of environmental and biological conditions.

2. Modify Season Dates: Fort Hunter Liggett Tule Elk Hunts

No alternatives were identified for the Fort Hunter Liggett Tule Elk Hunt season date modification. Access is entirely controlled by Fort Hunter Liggett and the new dates are the only option.

3. Modify Definitions: Definition of bull and antlerless elk

Different length alternatives were considered and rejected. The new definitions are clear and avoid potential mistakes from hunters while still achieving the objectives for the definitions of elk.

4. Hunt Area Description Change: Big Lagoon and Northwestern Roosevelt Elk Hunts

No alternatives were identified. This change reflects the current situation of ownership.

5. Editorial Changes:

There are no reasonable alternatives to the proposed changes.

(b) No Change Alternative:

1. Number of Tags

The no-change alternative was considered and rejected because it would not attain project objectives of providing for hunting opportunities while maintaining elk populations and biological/environmental conditions at desired levels. Retaining current tag quotas for each zone may not be responsive to biologically-based changes in the status of various herds. Management plans specify desired sex and age ratios which are attained and maintained in part by modifying tag quotas on an annual basis. The no-change alternative would not allow adjustment of tag quotas in response to changing environmental/biological conditions.

2. Modify Season Dates: Fort Hunter Liggett Tule Elk Hunt

The no-change alternative was considered and rejected for the Fort Hunter Liggett tule elk hunt because not adjusting the dates is not acceptable to the military base. Military use has priority over the hunting program and the new dates meet the needs of the base.

3. Modify Definitions: Definition of bull and antlerless elk

The no-change alternative was considered and rejected for the definitions of bull and antlerless elk because under field conditions it is very difficult to identify antlers above the hairline but less than four inches and there have been several incidents where antlerless elk hunters have inadvertently harvested a bull (by definition) with antlers less than four inches.

4. Hunt Area Description Change: Big Lagoon and Northwestern Roosevelt Elk Hunts

The no-change alternative was considered and rejected for the hunt area description change in replacing references to Simpson Timber Company with California Redwood Company. This reflects the current organizational structure of the Company.

5. Editorial Changes:

The no-change alternative was considered and rejected because it would not result in clear and accurate regulations.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed, or would be as effective as and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action.

This proposed action adjusts tag quotas, modifies hunt dates, and modifies the definition of bull and antlerless elk. Given the number of tags available, and the area over which they are distributed, this proposal is economically neutral to business.

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States.

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Considering the small number of tags issued over the entire state, this proposal is economically neutral to business.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California.

None.

(c) Cost Impacts on Private Persons.

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State.

None.

(e) Other Nondiscretionary Costs/Savings to Local Agencies.

None.

(f) Programs Mandated on Local Agencies or School Districts.

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4.

None.

(h) Effect on Housing Costs.

None.

INFORMATIVE DIGEST
(Policy Statement Overview)

Existing regulations specify elk license tag quotas for each hunt. In order to maintain hunting quality in accordance with management goals and objectives, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. This proposed amendment modifies elk tag numbers to ranges of tags to adjust for fluctuations in population numbers.

Periodic quota changes are necessary to maintain hunting quality in accordance with management goals and objectives.

2008 Proposed Elk Tag Allocation										
Hunt Name	Antler-less	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antler-less	Muzzle-loader either-sex	Archery Either-Sex	Archery Antler-less	Archery Bull
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Rocky Mountain Elk										
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Tule Elk										
Cache Creek	0-4		0-4							
Cache Creek Junior			0-2							
La Panza										
Period 1	0-12		0-10							
Period 1 (Junior)			0-2							
Period 2	0-12		0-12							
Owens Valley										
Region Wide								0-10		
Bishop										
Period 1 Muzzleloader					0-10	0-30	0-10			
Period 2 Junior	0-30	0-10	0-10							
Period 3	0-30	0-10	0-10							
Period 4	0-30	0-10	0-10							
Period 5	0-30	0-10	0-10							
Independence										
Period 1 Archery								0-10	0-30	0-10
Period 2	0-30	0-10	0-10							
Period 3	0-30	0-10	0-10							
Period 4	0-30	0-10	0-10							
Period 5	0-30	0-10	0-10							
Lone Pine										

Period 1 Muzzleloader					0-10	0-30	0-10			
Period 2	0-30	0-10	0-10							
Period 3	0-30	0-10	0-10							
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Period 4	0-30	0-10	0-10							
Period 5)	0-30	0-10	0-10							
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Fort Hunter Liggett										
Archery Only								0-6	0-10	
Period 1	0-14									
Period 1 Junior	0-4									
Period 2	0-14									
Period 3			0-14							
Period 3 Junior Elk			0-2							
East Park Reservoir										
Period 1			0-2							
Period 2			0-2							
Period 3	0-10									
San Luis Reservoir	0-5	0-10	0-10							

Existing regulations establish season dates for the Fort Hunter Liggett tule elk hunts. The proposed regulations for Fort Hunter Liggett do not change the number of days. These regulations slightly modify the season dates for period 1 antlerless hunt (including the junior hunt) and the archery antlerless hunt from the first to the second Thursday in October; the period 2 antlerless hunt from the third to the fourth Wednesday in November; the period 3 bull hunt (including the junior hunt) from the fourth Thursday to the fourth Saturday in December; the archery either-sex hunt from the first Saturday in September to the last Saturday in August.

Existing regulations define bull and antlerless elk. The proposed regulations modify these definitions because under field conditions it is very difficult to identify antlers above the hairline but less than four inches and there have been several incidents where antlerless elk hunters have inadvertently harvested a bull (by definition) with antlers less than four inches.

Existing regulations for the Big Lagoon and Northwestern Roosevelt elk hunt reference Simpson Timber Company under area description. The proposed regulation replaces Simpson Timber Company with California Redwood Company to reflect the current organizational structure of the Company.

The proposed amendment makes minor changes in the La Panza Tule Elk Hunt section to improve clarity and consistency, and reduce redundancy.